

E-FILE

## United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2007 NOV 14 A 11:45

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
SAN JOSE, CA, S.J.Maximino ACEVEDO-Velasquez  
(Name and Address of Defendant)

07-70683 HRL

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, October 18, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title  
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, ten (10) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

11/14/07  
Date

at

San Jose, California  
City and StateHoward R. Lloyd  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

**RE:** ACEVEDO-Velasquez, Maximino A79 377 336

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

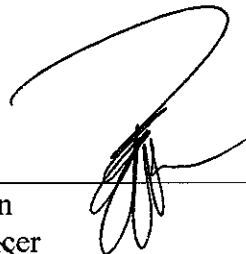
- (1) Mr. ACEVEDO-Velasquez is a 34-year-old male who has used eighteen (18) aliases and two (2) dates of birth in the past.
- (2) Mr. ACEVEDO-Velasquez has been assigned one (1) Alien Registration number of A79 377 336, FBI number of 715698XA0, California Criminal Information Index number of A22594176, and Monterey County booking number of 0707412.
- (3) Mr. ACEVEDO-Velasquez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
January 29, 2003	Nogales, AZ
March 14, 2005	Paso Del Norte/ El Paso, TX

- (4) Mr. ACEVEDO-Velasquez last entered the United States at or near San Ysidro, CA on or after March 14, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. ACEVEDO-Velasquez on a date unknown, but no later than October 18, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On October 31, 2007, Mr. ACEVEDO-Velasquez was interviewed by Immigration Enforcement Agent (IEA) Joshua Arambulo at the Monterey County Jail, Salinas, CA, and during that interview, Mr. ACEVEDO-Velasquez was advised of his **Miranda** rights in Spanish. Mr. ACEVEDO-Velasquez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. ACEVEDO-Velasquez was, on September 10, 1997, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of GIVE FALSE INFORMATION TO PEACE OFFICER, a misdemeanor, in violation of Section 31 of the California Vehicle Code, and was sentenced to one hundred fifty (150) days in jail.

**RE:** ACEVEDO-Velasquez, Maximino A79 377 336

- (7) Mr. ACEVEDO-Velasquez was, on August 17, 2000, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of DUI ALCOHOL/DRUGS WITH PRIORS, a felony, in violation of Section 23152(a) of the California Vehicle Code, and was sentenced to one hundred eighty (180) days in jail.
- (8) Mr. ACEVEDO-Velasquez was, on September 26, 2001, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of DUI ALCOHOL/DRUGS WITH PRIORS, a felony, in violation of Section 23152(a) of the California Vehicle Code, and was sentenced to sixteen (16) months in prison.
- (9) Mr. ACEVEDO-Velasquez was, on September 9, 2002, convicted in the Superior Court of California, in and for the County of Santa Cruz, for the offense of DUI WITH PRIORS, a felony, in violation of Section 23152(B) of the California Vehicle Code, and was sentenced to two (2) years in prison.
- (10) Mr. ACEVEDO-Velasquez was, on February 27, 2004, convicted in the United States District Court, Southern District of California, for the offense of FRAUD AND MISUSE OF ENTRY DOCUMENTS, a felony, in violation of Title 18, United States Code, Section 1546, and was sentenced to eighteen (18) months in prison.
- (11) Mr. ACEVEDO-Velasquez was, on November 2, 2007, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of DUI ALCOHOL/DRUGS WITH PRIORS, a felony, in violation of Section 23152(a) of the California Vehicle Code, and was sentenced to two (2) years in prison.
- (12) On the basis of the above information, there is probable cause to believe that Mr. ACEVEDO-Velasquez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 14 day of Nov, 2007

  
\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE